CONFERENCE ON DISARMAMENT

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LETTER DATED 6 MAY 2002 FROM THE PERMANENT REPRESENTATIVE OF SOUTH AFRICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING AN EXTRACT OF PARAGRAPHS RELATED TO DISARMAMENT AND INTERNATIONAL SECURITY FROM THE COMMUNIQUÉ OF THE MINISTERIAL MEETING OF THE COORDINATING BUREAU OF THE NON-ALIGNED MOVEMENT, HELD IN DURBAN ON 29 APRIL 2002

I have the honour to transmit herewith an extract of paragraphs issued in relation to Disarmament and International Security, from the Communiqué of the Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Movement held in Durban on 29 April 2002.

I would be grateful if this document could be issued and circulated as an official document of the Conference on Disarmament to the delegations of all member States of the Conference and non-member States participating in its work.

(Signed:) Sipho George Nene
Ambassador
Permanent Representative to the
Conference on Disarmament

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EXTRACT FROM DISARMAMENT AND INTERNATIONAL SECURITY PARAGRAPHS OF THE COMMUNIQUÉ OF THE MINISTERIAL MEETING OF THE CO-ORDINATING BUREAU OF THE NON-ALIGNED MOVEMENT, DURBAN, 29 APRIL 2002

Quote

DISARMAMENT AND INTERNATIONAL SECURITY

60. The Ministers and Heads of Delegation reaffirmed and reiterated the long-standing principled positions of the Movement on disarmament and international security, including the decisions taken at the XII Summit in Durban and the XIII Ministerial Conference in Cartagena.

61. The Ministers, as a matter of principle, expressed their strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions and in this context strongly underlined and affirmed that multilateralism and multilaterally agreed solutions, in accordance with the UN Charter, provided the only sustainable method of addressing disarmament and international security issues.

62. The Ministers remained deeply concerned at strategic defence doctrines that set out rationales for the use of nuclear weapons. They remain deeply concerned over the "Alliance Strategic Concept" adopted by NATO in April 1999, which not only maintain unjustifiable concepts on international security based on promoting and developing military alliances and policies of nuclear deterrence, but also includes new elements aimed to open even more the scope for possible use or threat of use of force by NATO.

63. In the context of the Nuclear Posture Review that is currently being undertaken by the United States of America, the Ministers expressed serious concern that the development of new types of nuclear weapons are being considered and the provision for the use or threat of use of nuclear weapons against Non-Nuclear Weapon States is in contravention of the negative security assurances that have been provided by the Nuclear Weapons States. The Ministers noted that the development of new types of nuclear weapons is in contravention with assurances provided by the Nuclear Weapons States at the time of the conclusion of the Comprehensive Test Ban Treaty that the Convention would prevent the improvement of existing nuclear weapons and development of new types of nuclear weapons.

64. The Ministers reiterated their deep concern over the slow pace of progress towards nuclear disarmament

which remains their highest priority. The Ministers also expressed their concern about the lack of progress by the Nuclear Weapon States to accomplish the elimination of their arsenals leading to nuclear disarmament. They stressed their concern at the threat to humanity derived from the continued existence of nuclear weapons and of their possible use or threat of use. The Ministers underscored the need to accomplish the total elimination of nuclear weapons and emphasised, in this regard, the urgent need to commence negotiations without delay.

65. They reaffirmed that in efforts towards the objective of nuclear disarmament, global and regional approaches and confidence building measures complement each other and should, wherever possible, be pursued simultaneously to promote regional and international peace and security.

66. The Ministers reaffirmed the importance of the Conference on Disarmament as the sole multilateral negotiating body on disarmament. They regretted that the continued inflexible postures of some of the Nuclear Weapon States continue to prevent the Conference on Disarmament from establishing an Ad Hoc Committee on nuclear disarmament to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. They reiterated their call on the Conference on Disarmament to establish as soon as possible and as the highest priority, an Ad Hoc Committee on Nuclear Disarmament. The Ministers underlined once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In this regard, they regretted that no progress has been made in the fulfilment of this obligation despite the lapse of five years.

67. The Ministers again called for an international conference, at the earliest possible date, with the objective of arriving at an agreement on a phased programmed for the complete elimination of nuclear weapons with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction. In this context, they continue to welcome the United Nations Millennium Declaration in which Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an

international conference to identify ways and means of eliminating nuclear dangers.

68. The Ministers reaffirmed that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. They reiterated their conviction that pending the total elimination of nuclear weapons efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to Non-Nuclear-Weapon States should be pursued as a matter of priority by the members of the Non-Aligned Movement.

69. The Ministers continued to be concerned over the negative implications of the development and deployment of anti-ballistic missile defence systems and the pursuit of advanced military technologies capable of deployment in outer space which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. The possible consequences of the decision by one of the States parties to the Treaty on the Limitation of Anti-ballistic Missiles (ABM) to withdraw from the Treaty brings new challenges to strategic stability and to the issue of the prevention of an arms race in outer space. The Ministers remained concerned that the implementation of a national missile defence system could trigger an arms race(s) and the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with United Nations General Assembly resolution 56/23, they emphasised the urgent need for the commencement of substantive work, in the Conference on Disarmament, on the prevention of an arms race in outer space.

70. The Ministers noted that a Panel of Governmental Experts was established pursuant to General Assembly resolution 55/33 A to consider the issue of Missiles in all its aspects. They remain convinced of the need for a multilaterally-negotiated, universal, comprehensive and non-discriminatory approach towards missiles in all its aspects as a contribution to international peace and security. Pending the achievement of such a universal mechanism related to delivery systems for weapons of mass destruction, any initiative to address these concerns effectively and in a sustainable and comprehensive manner should be through an inclusive process of negotiations in a forum where all States could participate as equals. In this context, they emphasised the role of the CD as the sole multilateral disarmament negotiating forum of the international community.

71. The Ministers reiterated the Movement's long-

standing principled position for the total elimination of all nuclear testing. They stressed the significance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty (CTBT), including by all the Nuclear Weapons States which, inter alia, should contribute to the process of nuclear disarmament. The Ministers expressed their satisfaction that 165 States have signed the Treaty and 90 States have ratified it thus far. They reiterated that if the objectives of the Treaty were to be fully realised, the continued commitment of all States signatories, especially the Nuclear Weapon States, to nuclear disarmament would be essential.

72. The Ministers continued to consider the establishment of nuclear-weapon-free zones (NWFZs) created by the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards attaining the objective of global nuclear disarmament. The Movement welcomes the efforts aimed at establishing new nuclear weapons-free zones in all regions of the world and calls for co-operation and broad consultation in order to achieve agreements freely arrived at between the states of the region concerned. They reiterated that in the context of nuclear-weapon free zones, it is essential that Nuclear Weapon States should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. They urged States to conclude agreements with a view to establishing new nuclear-weapon-free zones in regions where they do not exist, in accordance with the provisions of the Final Document of the Special Session of the General Assembly devoted to Disarmament (SSOD-1) and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, the Ministers reiterated their support for Mongolia's nuclear-weapon-free status and consider that the institutionalisation of that status would be an important measure towards strengthening the non-proliferation regime in that region. The Ministers also expressed their support to the initiative of convening an international conference of the states parties, ratifiers and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to discuss and implement further ways and means of co-operation among themselves, their treaty agencies and other interested states, at an appropriate time.

73. The Ministers reiterated the support for the establishment in the Middle East of a zone free of all weapons of mass destruction. To this end, they reaffirmed the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East in accordance with Security Council resolutions 487

(1981) and 687 (1991) and the relevant General Assembly resolutions adopted by consensus. The Ministers called upon all parties concerned to take urgent and practical steps towards the establishment of such a zone and, pending its establishment, they demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council resolution 487 (1981) and to conduct its nuclear related activities in conformity with the non-proliferation regime. The Ministers expressed great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States and we condemn Israel for continuing to develop and stockpile nuclear arsenals. The Ministers were of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons which allow one party to threaten its neighbours and the region. We further welcome the initiative by H.E. Mr. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East. The Ministers stressed that necessary steps should be taken in different international fora for the establishment of this zone. The Ministers also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear related scientific or technological fields to Israel. In this regard, the Ministers expressed their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one Nuclear Weapon State. This development will have potentially serious negative implications on the regional security as well as the reliability of the global non-proliferation regime.

74. The Ministers of the States Parties to the NPT welcomed the outcome of the 2000 Review Conference of the Parties to the Treaty. In this regard they reiterated their call and the firm commitment by all States parties to the Treaty and called for the full implementation of the unequivocal undertaking given by the Nuclear Weapons States to the total elimination of their nuclear arsenals. The Ministers expected that this undertaking be demonstrated without delay through an accelerated process of negotiations and through the full implementation of the thirteen practical steps to advance

systematically and progressively towards a nuclear-weapon-free world. They took note of the First Preparatory meeting for the 2005 NPT Review Conference and emphasised the need for a substantive interaction beyond formal exchange of views between the States Parties at these meetings. The issues raised at the Preparatory meetings need to be addressed so as to continue strengthening the implementation of the Treaty and the undertakings agreed upon at the 2000 NPT Review Conference, and also to lay the necessary foundation for the development of recommendations at the Third Preparatory session for the 2005 Review Conference. They recalled that specific time was made available at the 2000 Review Conference and its Third Preparatory session for the discussion on and consideration of proposals on the provisions in Article VI of the NPT and in paragraphs 3 and 4 (C) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", dealing with nuclear disarmament, as well as on the Resolution on the Middle East adopted at the 1995 Review and Extension Conference. In this context, they reaffirmed the importance to establish at the 2005 Review Conference a subsidiary body to Main Committee I to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons, as well as a subsidiary body to Main Committee II to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT. In this regard, they emphasised the need for Preparatory Committee meetings to continue to allocate specific time for deliberations on nuclear disarmament and the implementation of the 1995 resolution on the Middle East.

75. The Ministers continue to note with concern that undue restrictions on exports to developing countries of material, equipment and technology, for peaceful purposes persist. They again emphasised that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. In this regard they also expressed their strong rejection of attempts by any member State to use the International Atomic Energy Agency's (IAEA) technical co-operation programme as a tool for political purposes in violation of the IAEA's Statute.

76. The Ministers regretted unsubstantiated allegations of non-compliance with relevant instruments on WMD and called on states parties to such instruments that make such allegations to follow the procedures set out in those instruments and to provide the necessary substantiation for their allegations.

77. The Ministers of the States Parties to the Biological and Toxin Weapons Convention (BWC) reaffirmed their conviction that the Convention on the Prohibition of the Development, production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction is essential for the maintenance of international and regional peace and security. They reaffirmed the Movement's continued determination, for the sake of humankind, that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. They believed that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. They recalled the decision by all the States Parties calling on the Ad Hoc Group to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference. The Ministers regretted that due to the decision by a major negotiating partner to oppose the draft composite text of the Protocol that had been presented by the Chairman of the Ad Hoc Group, and had a broad support as a basis for the conclusion of the negotiations, the Group was unable to fulfil its mandate and submit its report, including a draft of a legally-binding instrument to the States Parties to the Convention prior to the Fifth Review Conference. They believed that the threat of biological weapons as instruments of war and terror have reinforced the necessity and urgency to strengthen the effectiveness and improve the implementation of the Convention. In this regard, we emphasise that the mandate given to the Ad Hoc Group by the Special Conference in 1994 remains valid and determines any future work of the Ad Hoc Group. They stressed the importance for all States Parties to pursue the objectives that were set forth by the Fourth Review Conference and underlined that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally-binding agreement. They furthermore regretted the inability of the Fifth Review Conference to conclude its work in the allocated period of time during 2001, and called on the States parties to

show the necessary flexibility for the Conference to successfully conclude when it reconvenes in November 2002. In this regard, they regretted the unsubstantiated allegations of non-compliance that were made at the Review Conference and called on States parties that make such allegations to follow the procedures set out in the Convention and to provide the necessary substantiation for these allegations.

78. The Ministers of the States Parties to the Chemical Weapons Convention (CWC) welcomed the increasing number of ratifications of the Convention and invited all States who have still not ratified it to do so as soon as possible with the view to its universality. They also underlined the urgency of satisfactorily resolving the unresolved issues in the framework of the Organisation for the Prohibition of Chemical Weapons (OPCW) with a view to paving the way for the effective, full and non-discriminatory implementation of the Convention. In this context, the Ministers reiterated their call on the developed countries to promote international co-operation through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention. They also called upon States having declared possession of chemical weapons to bring about the destruction of their chemical weapons at the earliest possible date. While recognising the financial and technical challenges for some possessors, the Ministers called upon those States parties in a position to do so, and where requested, to assist such possessor States in the achievement of the ultimate goal of the Convention - the total elimination of chemical weapons. The Ministers noted the convening, next year, of the First Review Conference of the CWC and called on the importance that it has a significant outcome towards the strengthening of that international regime.

79. The Ministers expressed their concern at the use of coercive methods by some countries inside international organisations, including financial influence, in the pursuit of unilateralist interests. They also expressed their concern at the impact that such unilateral acts could have on the independence of the functioning of international organisations and the multilateral system as a whole.

80. The Ministers affirmed the need of strengthening the Radiological Safety and Protection Systems at facilities utilising radioactive materials as well as at radioactive waste management facilities, including the safe transportation of these

materials. They encouraged design of an appropriate international regime for physical protection of radioactive materials during their transportation. The Ministers reaffirmed the need for the states involved in the transportation of hazardous waste to provide relevant information to concerned states regarding this transportation. The Ministers welcomed the convening of a Conference on these issues to be held in 2003.

81. The Ministers remain deeply concerned over the illicit transfer, manufacture and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world. They welcomed the adoption by consensus of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and light Weapons in All Its Aspects at the United Nations Conference which sets out a realistic, achievable and comprehensive approach, to address the problems associated with illicit trade in small arms and light weapons on the national, regional and global levels. To this end they again commend the role of Ambassador Camilo Reyes from Colombia as president of the Conference and Ambassador Carlos Dos Santos from Mozambique as Chairman of the Preparatory Committee. They again noted with satisfaction the positive, constructive and mutually supportive role played by delegations from the Movement during the Conference. The Ministers considered this to be a manifestation of the effectiveness of the Movement in multilateral fora. They remain deeply concerned over inability of the Conference to agree- due to the position of one state - on language recognising the need to establish and maintain controls over private ownership of small arms, and the need for preventing sales of such arms to non-state groups. They considered that these issues are directly related to the problems associated with the illicit trade in small arms and light weapons faced by many members of the Movement. They reiterated their call on all States to ensure that the supply of small arms and light weapons is limited only to Governments or to entities duly authorised by Governments and to implement legal restrictions on the unrestricted trade in and ownership of small arms and light weapons.

82. The Ministers continue to deplore the use, in contravention of international humanitarian law, of anti-personnel mines in conflict situations aimed at maiming, killing and terrorising innocent civilians, denying them access to farmland, causing famine and forcing them to flee their homes eventually leading to depopulation and preventing the return of civilians to their place of original residence. They again called upon the international community

to provide the necessary assistance to landmine clearance operations as well as the rehabilitation of victims and their social and economic reintegration in the landmine affected countries. They further called for international assistance to ensure full access of affected countries to material equipment, technology and financial resources for mine clearance. They also called for increased humanitarian assistance for victims of landmine.

83. The Ministers expressed concern about the residue of the Second World War, particularly in the form of land mines which have caused human and material damage and obstructed development plans in some Non Aligned countries. We call on the States primarily responsible for laying the mines outside their territories to co-operate with the affected countries, provide the necessary information, and maps indicating the locations of such mines, technical assistance for their clearance and contribute towards defrayal of the costs of clearance and provide compensation for any ensuing losses.

84. The Ministers of states parties to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW) and its Protocols encouraged States to become parties to it. They took note of the outcome of the Third Review Conference of the CCW. They also took note of the Second Annual Conference of States Parties to the Amended Protocol II to the CCW, realised in Geneva in December 2000 and stress the importance of its effective implementation. The Ministers also took note of the realisation of the Third Meeting of States parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction which took place in Managua in September 2001.

85. The Ministers reiterated once again their support for the convening of the Fourth Special Session of the United Nations General Assembly devoted to Disarmament. They reiterated their deep concern over the lack of consensus on the deliberations held by the United Nations Disarmament Commission in 1999 on the agenda and objectives. They recalled that the General Assembly requested the Secretary-General to seek the views of Member States on the objectives, agenda and timing of the Special Session. The Ministers continue to call for further steps leading to the Convening of the Fourth Special Session with the participation of all Member States of the United Nations as well as the need for SSOD-IV to review and assess the implementation of SSOD-1, while reaffirming its principles and priorities.

86. The Ministers stressed the importance of the reduction of military expenditures, in accordance with the principle of undiminished security at the lowest level of armaments, and urged all states to devote resources made available therefrom to economic and social development, in particular in the fight against poverty. They expressed their firm support for unilateral, bilateral and multilateral measures adopted by some governments aimed at reducing military expenditures, thereby contributing to strengthening regional and international peace and security. In this regard they took note of the measures being examined by some governments such as the Andean Community of Nations.

87. The Ministers commended the work carried out by the NAM Working Group on Disarmament and encourage delegations to continue their active work on issues of common concern to the Movement.

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